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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,230	06/11/2001	Judith Franks-Farah	0110430-26	3728

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EXAMINER

ANDERSON, CATHARINE L

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,230

Applicant(s)

FRANKS-FARAH ET AL.

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 8-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 8, 15-19 and 21-23 is/are allowed.
- 6) ☒ Claim(s) 6 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salvadori (5,931,303) in view of Jampani et al. (6,248,343).

Salvadori discloses all aspects of the claimed invention with the exception of a zipper bag, alcohol gel, and antibacterial soap. Salvadori discloses, in column 3, lines 1-8 and 41, a system for catheterization comprising gloves 54, disposable wipes 60, a protective underpad 52, an insertion device 62, and a paper wrapper 72 that is fully capable of being used as a recording device. Salvadori further discloses, in column 3, line 42, a sealed plastic bag 74. It is well known in the art that providing a zipper at the opening of a plastic bag allows for a secure and resealable closure. It would therefore be obvious to one of ordinary skill in the art at the time of invention to make the plastic bag of Salvadori a zipper bag.

Jampani discloses, in column 1, lines 24-25 and column 12, line 47, the use of antimicrobial soap and alcohol gel for cleansing the insertion site for a catheter.

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It would therefore be obvious to one of ordinary skill in the art at the time of invention to include antimicrobial soap and alcohol gel in the system of Salvadori, as taught by Jampani, for cleansing the insertion site for the catheter.

With respect to claim 9, Salvadori discloses a collection basin 68 and a paper wrapper 72 that is fully capable of being used as a record card.

With respect to claims 10-13, Salvadori fails to disclose the use of instructions or printed documentation. It would have been obvious to one of ordinary skill in the art at the time of invention to include printed instructions or documentation with the system, due to the fact that the examiner takes official notice that it is well known in any art that kits come with instructions (see Kurram et al. 6,238,383). Even though the printed matter for the claimed invention may be different from any instructions that are obvious over Salvadori, any differences relate to the information or instructions conveyed by the printed matter and not in any structure of the product. The product is known in the art, and a new intended use for the product does not constitute patentable subject matter. *In re Schreiber*, 128 F. 3d 1473, 44 USPQ 2d 1429 (Fed. Cir. 1997). The following is considered printed matter: self care documentation, acknowledgement section, step-by-step instructions, recording device, record card, information device, contents map.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salvadori (5,931,303) in view of Jampani (6,248,343), as applied to claim 6 above, and further in view of Kurram et al. (6,238,383).

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Salvadori, as modified by Jampani, discloses all aspects of the claimed invention with the exception of a plurality of catheters. Karram discloses the inclusion of a plurality of catheters for subsequent use, as described in column 5, lines 43-49. It would therefore be obvious to one of ordinary skill in the art at the time of invention to include a plurality of catheters in the system of Salvadori, as taught by Karram, for subsequent use.

Allowable Subject Matter

Claims 1-4, 8, 15-19, and 21-23 are allowed.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703) 308-1957. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

CLA
cla
September 4, 2003


WEILUN LO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700